

Entered - 11-24-09 sb
CL 09L0905- GWENDOLYN BURNS

10- R -0381

**CLAIM OF: DEWAYNE TAYLOR AND
RUSSELL TUCKER**

3705 Sarahs Lane
Tucker, Georgia 30084

MAR 01 2010

For vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on October 23, 2009 at 1425 Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE

2/23/10

CHAR

[Handwritten signatures and initials over the committee name and date]

MAR 01 2010

ADVERSED BY
CITY ATTORNEY



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

March 10, 2010

Mr. Russell Tucker
3705 Sarahs Lane
Tucker, Georgia 30084

10-R-0381

Dear Mr. Tucker

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

March 10, 2010

Mr. Dwayne Taylor
3705 Sarahs Lane
Tucker Georgia 30084

10-R-0381

Dear Mr. Taylor

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0905

Date: January 27, 2010

Claimant /Victim DEWAYNE TAYLOR AND RUSSELL TUCKER
BY: (Atty) (Ins. Co.) _____
Address: 3705 Sarahs Lane, Tucker, Georgia 30084
Subrogation: _____ Claim for Property damage \$ 734.29 Bodily Injury \$ _____
Date of Notice: 11/18/09 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/23/09 Place: 1425 Piedmont Avenue, NE & Westminster Drive, NE
Department _____ Bureau: _____ Office: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimants allege that they sustained vehicular damages after driving over a construction site that was left in an unsafe manner in the roadway. However, an investigation has determined that Atlanta Gas Light performed the work at the subject location. The claimants have been advised and the claim has been forwarded to the company for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

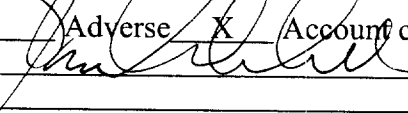
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Manager:  Concur/date 02/10/10
Committee Action: _____ Council Action _____

10- R -0381

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 11-16-09

ENTERED - 11-24-09 - SB
09L0905 - G. BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 734.29 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 10/23/09 2. Time of incident: 10:30 PM 3. Police called: NO
4. Location of incident (including street address): 1400 Black Piedmont Ave @ Westminster
5. Name of your insurance company: State Farm Policy No. 154537980311Q
6. State what and how incident occurred: Driving down Piedmont Ave heading North on 10/23/09 approx 10:30 PM
Struck hole cut-out in road with no steel plate covering.
Multiple plates were installed all but this area.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.
- Your vehicle: 2006 BMW 330CI ATU 1162 Russell Tucker
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Dewayne Taylor
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE
ABOVE INFORMATION IS TRUE AND
CORRECT.

Dewayne Taylor / Russell Tucker
(Print Claimant's Name)

Dewayne Taylor
Signature of Claimant

3705 Sarah's Lane
Tucker Ga. 30084
(City, State and Zip Code)

404-609-9300 404-873-2948
(Work Number) (Home Number)

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 10-O-0275	36. 10-R-0350	42. 10-R-0356
2. 10-O-0276	37. 10-R-0351	43. 10-R-0357
3. 10-O-0277	38. 10-R-0352	44. 10-R-0358
4. 10-O-0278	39. 10-R-0353	45. 10-R-0359
5. 10-O-0279	40. 10-R-0354	46. 10-R-0360
6. 10-O-0289	41. 10-R-0355	47. 10-R-0361
7. 10-O-0290		48. 10-R-0362
8. 10-O-0291		49. 10-R-0363
9. 10-O-0292		50. 10-R-0364
10. 10-O-0293		51. 10-R-0365
11. 10-O-0294		52. 10-R-0366
12. 10-O-0296		53. 10-R-0367
13. 10-O-0241		54. 10-R-0368
14. 10-O-0307		55. 10-R-0369
15. 10-R-0334		56. 10-R-0370
16. 10-R-0335		57. 10-R-0371
17. 10-R-0390		58. 10-R-0372
19. 10-R-0395		59. 10-R-0373
20. 10-R-0407		60. 10-R-0374
21. 10-R-0411		61. 10-R-0375
22. 10-R-0394		62. 10-R-0376
23. 10-R-0396		63. 10-R-0377
24. 10-R-0338		64. 10-R-0378
25. 10-R-0339		65. 10-R-0379
26. 10-R-0340		66. 10-R-0380
27. 10-R-0341		67. 10-R-0381
28. 10-R-0342		68. 10-R-0382
29. 10-R-0343		69. 10-R-0383
30. 10-R-0344		70. 10-R-0384
31. 10-R-0345		71. 10-R-0385
32. 10-R-0346		
33. 10-R-0347		
34. 10-R-0348		
35. 10-R-0349		